

September 15, 2021

Via ECF Filing

A. Kathleen Tomlinson, U.S. Magistrate Judge
U.S. District Court, Eastern District of New York
Courtroom 840
United States Federal Courthouse
100 Federal Plaza
Central Islip, New York 11722

Re: Northwell Health Inc., v. Empire Blue Cross and Blue Shield, et al.
Case 2:21-cv-00020-GRB-AKT

Dear Magistrate Judge Tomlinson:

I represent the Northwell, Northwell Health, Inc. (“Northwell”) in the above captioned matter. I write on behalf of all parties to provide the court with a joint status report as requested in the Court’s Orders entered May 27, 2021 and updated July 20, 2021,

On May 27, 2021, this court ordered the parties to attempt to match up their claim numbers and entries on Northwell’s claim sheet in order to facilitate further discussion regarding a potential resolution of “some of the alleged unpaid claims before commencing full blown discovery.” (See Docket No. 21). Defendant United Worker’s Fund (“UWF”) sought additional claims identifiers from Northwell in order to accomplish this task. Northwell provided a sample of that information to the defendants on June 15th. Empire requested some additional information from Northwell upon receiving the sample, which Northwell provided. On June 29th, Northwell provided an updated claims sheet with two additional information columns. Along with that information, Northwell also provided the defendants with new claims that it alleged had developed since the commencement of the case.

Northwell’s Position

On September 13, 2021, UWF informed the parties that the identifying information provided by the Northwell was not helpful, but that they obtained the needed information from the Empire Blue Cross Blue Shield defendants (“Empire”) on Sunday, September 12th. Today, UWF provided a spreadsheet showing that according to UWF some (not most as previously asserted) of the claims at issue have been paid. UWF has yet to provide any information to substantiate its position. UWF was not provided information to assess the new claims as they are still going through the normal claims process. It is Northwell’s position that UWF has no real interest in resolving this matter and is simply using this process to further delay a resolution. Northwell would have preferred to have resolved this dispute through an informal process, at this point however, absent a formal schedule and discovery demands, the matter is destined to drag on. Thus, Northwell requests that the parties proceed with formal discovery.

Status Report of Defendant United Welfare Fund:

This Firm represents the United Welfare Fund (“UWF”) in the above captioned matter. We write on behalf of the Fund provide the court with a status report as requested in the Court’s Orders entered May 27, 2021, and updated July 20, 2021.

On May 27, 2021, this court ordered the parties to attempt to match up their claim numbers and entries on Northwell’s claim sheet in order to facilitate further discussion regarding a potential resolution of “some of the alleged unpaid claims before commencing full blown discovery.” (*See* Docket No. 21). That process has been completed but the issues remain unresolved and the parties believe a formal schedule order concerning discovery is appropriate at this time.

Specifically, after the 5/27/21 conference, UWF sought additional claims identifiers from Northwell in order to accomplish the task set forth in the order of that date. Northwell provided a sample of that information to the defendants on 6/15/21. Empire requested some additional information from Northwell upon receiving the sample, which Northwell provided. On June 29th, Northwell provided an updated claims sheet with two additional information columns. Along with that information, Northwell also provided the defendants with new claims that it alleged had developed since the commencement of the case. After reviewing the information provided by Northwell, on July 15th Empire requested that Northwell provide claim numbers for the new claims. Northwell has not provided that information, stating that it does not have claim numbers for the new claims.

On 7/20/21, this court granted the parties’ joint request for an extension of time in order to facilitate completing the matching exercise and conferring further on possible resolution. As the parties explained in that joint request (*See* ECF 23), based on preliminary review, it appeared that Northwell and UWF did not have a common claim number in their respective claims systems. It also appeared that Empire should be able to match the claims numbers provided by Northwell to claims in Empire’s claims system, and then provide UWF with additional information that would enable UWF to match Northwell’s claim numbers to claims in UFW’s claims system.

On July 27th Empire provided UWF with additional information concerning Northwell’s claims that it believed would enable UWF to match Northwell’s claims to claims in UWF’s claims system. After reviewing the additional information provided by Empire, UWF advised Empire it needed more information in order to identify Northwell’s claims in UWF’s claims system. Shortly after receiving UWF’s request, Empire provided UWF with the additional information UWF had requested in an updated sheet on September 12th.

On September 13, 2021, UWF informed the parties that the identifying information provided by the Northwell had not been helpful in easily and clearly identifying the claims, but that through other time-consuming methods, UWF had worked their way through the spreadsheet (containing approximately 600 rows of both new and old claims), and believed that many of the claims had been paid, but that some others had been denied by the Fund for various reasons under the terms of its Plan. UWF also noted that they believed that “PPO numbers,” a metric generated by co-Defendant Empire, had been the fastest and most reliable way to identify claims, and Empire had only provided those numbers in its September 12th update, which allowed the Fund to complete

its review. While, as noted above, UWF asserts that most of the claims at issue have been paid, and other remain properly denied, Northwell remains unsatisfied with those assertions at this time.

A counter-spreadsheet that the Fund created was shared with Northwell on 9/15/21, showing the dates and amounts of paid claims, and also claims which were denied, and the reason for the denial. All that said, given the exchange of information to date and apparent completion of matching claims, Northwell and UWF desire to proceed with formal discovery as contemplated in the Joint Discovery Plan (*See* Doc. 20) since the matter remains unresolved.

Empire's Position

Empire joins in UWF's status report above and does not object to Northwell's and UWF's request that the parties proceed with formal discovery.

Respectfully Submitted,

/s/

Timothy F. Butler

cc: All Counsel via ECF